

Rave-Perkins, Krista

From: Red Brick Road <redbrickrd@outlook.com>
Sent: Wednesday, August 30, 2017 4:14 PM
To: Rave-Perkins, Krista
Subject: RE: Gunshy Manor - King County DPER evading 404 process

Thanks, Krista. We look forward to it.

From: Rave-Perkins, Krista [mailto:Rave-Perkins.Krista@epa.gov]
Sent: Wednesday, August 30, 2017 2:47 PM
To: Red Brick Road <redbrickrd@outlook.com>
Subject: RE: Gunshy Manor - King County DPER evading 404 process

Hello: I want to give you an update. Because some folks I need to talk to are on vacation and because of the upcoming holiday, I won't be able to get back to you until next week. I promise I will get back to you.

Krista

From: Red Brick Road [mailto:redbrickrd@outlook.com]
Sent: Tuesday, August 29, 2017 2:00 PM
To: Rave-Perkins, Krista <Rave-Perkins.Krista@epa.gov>; Kowalski, Ed <Kowalski.Edward@epa.gov>
Subject: RE: Gunshy Manor - King County DPER evading 404 process

Thank you, Krista.

From: Rave-Perkins, Krista [mailto:Rave-Perkins.Krista@epa.gov]
Sent: Tuesday, August 29, 2017 11:15 AM
To: Red Brick Road <redbrickrd@outlook.com>; Kowalski, Ed <Kowalski.Edward@epa.gov>
Subject: RE: Gunshy Manor - King County DPER evading 404 process

Hello: I am writing to confirm that I received all of your email messages and Cathy's responses (King County contact). I also understand that you have contacted the Corps of Engineers. I will look into the concerns and get back to you as soon as I can. It might not be until tomorrow before I get all the information.

Thanks,
Krista

From: Red Brick Road [mailto:redbrickrd@outlook.com]
Sent: Friday, August 25, 2017 9:43 AM
To: Kowalski, Ed <Kowalski.Edward@epa.gov>; Rave-Perkins, Krista <Rave-Perkins.Krista@epa.gov>
Subject: Gunshy Manor - King County DPER evading 404 process

Dear Mr. Kowalski, Ms. Rave-Perkins:

Would you be available for a call with our community at your earliest convenience next week?

We're writing to EPA to express our deep concerns with King County DPER's oversight and enforcement of EPA's Gunshy Manor settlement agreement.

As you know, the owners of Gunshy Manor have obtained an initial grading and filling permit from KC DPER to proceed with the restoration work mandated by the settlement. However, contrary to what EPA told our community, KC DPER have allowed the Grading and Fill permit to proceed without a US Army Corps of Engineers Section 404 permit. KC DPER determined the work on the property would be outside of the Waters of United States Statute's authority, therefore removing that regulatory hurdle of receiving a US ACoE review. As far as we know, this was a unilateral determination by KC DPER, without involving EPA or the State of WA.

As you also know, this decision echoes a number of questionable decisions made by DPER in the past, all providing undue favoritism to the owners of Gunshy Manor.

Additionally, we have learned that last week a SEPA addendum was granted to the grading and fill permit, thereby completing the KC DPER paperwork requirements. However, there is still no Critical Areas Designation on file for the site. KC DPER have evidently decided that the work can proceed without following the CAO. Again, this is exactly contrary to what EPA told our community would happen. And not surprisingly, we have visual evidence that best practices are not being followed, e.g. re-compaction of "restored" surfaces adjacent to the roads, and a lack of silt barrier fencing alongside the Farm Ditches.

We infer from all of this that KC DPER is unlikely to enforce the EPA settlement document we reviewed earlier this year. In fact, a member of our community was told verbally by KC DPER permit supervisor Steve Reberg that KC's authority to order restoration is not necessarily going to match the settlement. This give us reason to believe that KC DPER will neither supervise nor enforce that the restoration work even comes close to matching what the agreement calls for, including amounts of removed fill or final "road" widths.

Our community will continue to observe the restoration work and complain to DPER when the reality doesn't match the specifications. However, when the agency in charge of oversight are engaging in negligence (at best) or collusion (at worst), it's unclear we will be able to achieve the outcome described in the settlement. Further, this situation effectively discards many hours of fine work performed by EPA employees, makes a mockery of EPA's enforcement capabilities, and sets a dangerous precedent for the future.

Again, we would appreciate it if you could join us for a conference call to discuss these issues.

Thank you.